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COMMITTEE ON THE RIGHTS OF THE CHILD

Eleventh session

SUMMARY RECORD OF THE 274th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 17 January 1996, at 3 p.m.

Chairperson: Mrs. BELEMBAOGO

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of Iceland (CRC/C.11/Add.6; CRC/C.11/WP.8) (continued)

1. The CHAIRPERSON invited the delegation of Iceland and the members of the Committee to take up the section of the list of issues (CRC/C.11/WP.8) concerning basic health and welfare (items 25 and 26).

2. Mr. HAMMARBERG said that for the most part the questions in that section had been answered at the previous meeting. Regarding the protection of children against acts of violence, he asked what measures had been taken to ensure that the child welfare committees, whose role was to assist families in crisis and to ensure that children were not ill-treated, could more easily obtain information on the situation of children.

3. Mrs. KARP noted that as a rule child victims of abuse were not directly heard by child welfare committees but by specialists, who in turn informed the committees. She asked whether, within the framework of the new Protection of Children and Young Persons Act, the Government of Iceland planned to make provision to enable the committees to hear children in person, in the spirit of the Convention, except in cases in which it might be harmful for them. With regard to health, she asked for further information on the institutions responsible for the rehabilitation of young people who had been involved in drugs and on the services responsible for mentally-handicapped children.

4. Mr. GUDBRANDSSON (Iceland), in reply to Mr. Hammarberg, emphasized that it was important for the committees to deal judiciously with the complaints set before them and, rather than adopting a punitive approach, to assist families in difficulty. To do so, it was necessary to instil in the population an awareness of child protection and of the kind of abuse children could suffer. It had been asked whether it was desirable for children themselves to address the committees. The general rule was that the best interests of the child should prevail. However, the children were frequently extremely vulnerable and impressionable. For those reasons, he believed that normally children themselves should not testify before the committees; however, it was necessary to speak clearly to children in order to enable them better to understand the difficult situations in which they found themselves. In addition, some children wished to address the committees in person.

5. There were currently eight institutions in Iceland that dealt with young drug addicts and alcoholics. Until the previous summer a centre had provided treatment for adolescents between the ages of 13 and 18 suffering from drug and alcohol abuse. The centre, which could accommodate 17 persons, had been closed down because only two adolescents had been admitted there between May and August 1995. The funds thus released had been allocated to other centres and had made it possible to increase the number of places available in them. There was a day-care centre for seven adolescents, which operated in accordance with the guidelines of The Hague. Apparently, demand for that type of service was higher than for centres that operated round the clock.

6. A department in the State hospital cared for mentally-ill children and young people. Demand was heavy and measures had been taken to reorganize the department. Specialists from abroad were studying the department in order to improve it.

7. Ms. PALSDOTTIR (Iceland) stressed that it was also the role of the care centres to advise families. To date, however, financial difficulties had prevented the construction of as many centres as was desired. She also said that teachers were required to inform the health authorities whenever they noticed any problems among their pupils.

8. Regarding freedom of expression for children, the Protection of Children and Young Persons Act stipulated that the ministerial authorities or the court could request a psychologist to hear a child's opinion. However, a child aged over 12 could address the child welfare committee directly, even if, in practice, the committees most frequently heard such specialists.

9. Mr. GUDBRANDSSON (Iceland) pointed out that it was frequently difficult for a child to talk about his problems in front of adults, especially when the problem of his custody was posed. It was difficult for a child to be compelled to decide which of his parents to live with. Similarly, in the case of child abuse or violence, children preferred to remain silent rather than admit that their parents hit or ill-treated them.

10. Mrs. KARP agreed that the issue was a sensitive one. In her view it was necessary to avoid paternalism, not to disregard the views of children, to change one's attitude towards them and to encourage them to express themselves.

11. The CHAIRPERSON invited the members of the Committee and the delegation to take up the questions relating to education, leisure and cultural activities (items 27-30 of the list of issues).

12. Mr. HAMMARBERG asked whether the legislative reform had had practical results in terms of participation by children in the running of schools. Teachers played a vital role in the development of children. It seemed that they did not enjoy the standing that was desirable, especially in many industrialized countries, and their wages were not always adequate. He asked whether the Government of Iceland planned to enhance the status of teachers.

13. Mrs. KARP also asked for further information on children's participation in the running of schools. She asked whether the obstacles referred to earlier, and in particular the reluctance of certain teachers to allow pupils to participate in school meetings, had been overcome.

14. Mrs. SARDENBERG asked whether it was planned to make the educational system reflect the changes occurring in society and in the world of work.

15. Mr. GUDBRANDSSON (Iceland), noting that he himself had been a teacher, said that in the past teachers had enjoyed higher status in society. The educational system in Iceland was constantly changing, as was perhaps the case in all small countries. Major efforts had been made in respect of language teaching, in order to improve communication with the outside world.

16. Mr. KJARTANSSON (Iceland), replying to Mr. Hammarberg's question on the status of teachers, said that no study of the topic had been carried out. Nevertheless, the teaching profession attracted large numbers of people and supply far exceeded demand. It should also be mentioned that 90 per cent of trainee teachers were women. Following a long strike of teaching staff in schools, teachers' salaries had risen considerably more than those of other professions. In his view teachers played a key role, especially in informing children of their rights. All in all Iceland's school system was efficient, as demonstrated by a literacy rate in the region of 100 per cent.

17. Regarding pupils' participation in school management and decision-making, he said that the 1991 Primary Schools Act authorized a representative of the pupils to attend teachers' meetings, although few schools had implemented that provision. The new 1995 Primary Schools Act authorized parents to take part in decision-making. It also made provision for the establishment of parents' and pupils' councils and the organization of joint meetings between teachers', parents' and pupils' councils at which parents and their children would be able to express their views on the running of the school and the decisions taken.

18. Turning to the question of the ability of the school system to adapt to the evolution of society, he said that a secondary education reform bill, which took into account changes in the world of work, had been set before Parliament.

19. Mrs. EUFEMIO asked which of the aims of education set out in paragraph 328 of Iceland's report (CRC/C.11/Add.6) corresponded to the aims of education contained in article 29 of the Convention on the Rights of the Child. She also expressed concern at the rise in the number of divorces; she asked for an explanation of the phenomenon and whether there was any means of combating it. She feared that the children of present-day single-parent families might be the unmarried parents of tomorrow.

20. Mr. KJARTANSSON (Iceland) said that, under the Primary Schools Act, the role of primary education was to instil into children Christian morality and democratic values. It remained to be seen to what extent that could subsequently help to prevent divorces or the formation of single-parent families. In practice, there were no primary-school programmes geared to the family. Nevertheless, there were plans to establish a compulsory special programme that would focus, in particular, on the family, sex education, the prevention of drug addiction and questions relating to welfare.

21. Mr. GUDBRANDSSON (Iceland) said that the role of the educational system in the protection of the family was currently being reviewed. He pointed out the apparent correlation between the proportion of women entering the labour market and the divorce rate. The role of women in the family, which had traditionally been to perform domestic chores, had changed and efforts were currently being made in Iceland to teach boys to accept to perform household chores and to teach them to do so.

22. The CHAIRPERSON suggested that the Committee and the delegation of Iceland should take up the questions relating to special protection measures (items 31-36 of document CRC/C.11/WP.8). She invited the delegation of Iceland to reply to the questions already raised but not yet answered, concerning testimony by minors before the courts and the employment of children.

23. Mr. GUDBRANDSSON (Iceland) said, in reply to the question on the employment of children, that they had traditionally played an active part in Iceland's economic life, although their role had declined in the last five years on account of the emergence of unemployment in Iceland. Society was favourably disposed towards the employment of children, provided that they were neither exploited nor compelled to perform arduous tasks or tasks that were hazardous for their health. The school system was organized accordingly: children attended school nine months a year and worked during their long summer holidays. Municipal councils employed children aged from 14 to 16, and occasionally up to 18, in various jobs. The employment of children was supervised by educationalists and teachers. He nevertheless recognized that in fishing villages children were occasionally compelled to work and that they might be exploited. In accordance with the Hygiene and Safety at Work Act, No. 46, children under the age of 14 could only perform light tasks that did not involve any risk. The Occupational Safety and Health Administration and the child welfare committees ensured the Act was complied with. Nevertheless, it was widely thought that the minimum age should be raised to 15, in conformity with ILO Convention No. 138 concerning minimum age for admission to employment. The matter was currently being examined and should be put before Parliament later in the year.

24. Mr. GUNNARSSON (Iceland) said that it was enriching for teenagers to work during their summer holidays and that the experience facilitated their integration into society.

25. Ms. THORARENSEN (Iceland), replying to the question on testimony by minors, said that a different procedure applied under civil and under criminal law. In a civil case, persons aged over 15 cited as witnesses were required to appear and testify; if they refused, they were liable to a fine. The age-limit of 15 was attributable to the impossibility of penalizing a person below that age. However, in criminal cases, no age limit applied to witnesses, although in each case the judge was responsible for deciding whether the child was sufficiently mature for his understanding of the facts to be admissible as evidence. The main cases in which children were required to testify were those in which they were the victims of sexual violence. However, the Code of Penal Procedure made provision for children to be questioned before a judge, at the pre-trial stage, to avoid them being cross-examined at length in court. In addition, it was possible to record statements by children.

26. Mrs. KARP asked why civil and criminal procedure contained different provisions regarding the appearance of children as witnesses. She also asked whether persons responsible for investigating cases of sexual violence against children were given special training.

27. Mr. HAMMARBERG asked, with regard to refugees, whether Iceland had ratified the Protocol relating to the Status of Refugees.

28. Mrs. KARP said that, as she understood it, children aged from 16 to 18 who were in conflict with the law were brought before the ordinary criminal courts, whose judges had not received any special training in juvenile justice. She asked whether the Icelandic authorities planned to establish special juvenile courts.

29. Ms. THORARENSEN (Iceland) said that, under the Penal Code, persons who refused to testify could be compelled to pay a fine. In addition, there was no age-limit for the implementation of that provision. However, it could be inferred from the general rules for the application of penalties that a person aged under 15 could not be compelled to pay such a fine. In practice, therefore, the same rules applied both to criminal and to civil procedure.

30. She also confirmed that Iceland had ratified the Protocol relating to the Status of Refugees. Lastly, the Icelandic authorities did not currently intend to establish special juvenile courts. The trend in recent years had actually been towards the suppression of various special courts.

31. Mr. GUDBRANDSSON (Iceland) said that a number of police officers had been specially trained to carry out investigations into sexual violence. They worked in close cooperation with the child welfare centre, as well as with some NGOs, the most active of which in that sphere was the Women's League against Sexual Abuse.

32. Mr. HAMMARBERG noted that throughout the discussion on violence within the family it had at no point been explained what the basic legislation in that sphere was. He asked whether there were any legislative provisions that categorically prohibited all forms of corporal punishment and ill-treatment, even within the family.

33. Mr. GUDBRANDSSON (Iceland) said that both the Protection of Children and Young Persons Act and the Penal Code categorically prohibited any form of corporal punishment and ill-treatment.

34. The CHAIRPERSON suggested that the meeting should be suspended to allow the Committee to discuss its preliminary conclusions on the report under review.

35. The meeting was suspended at 4.30 p.m. and resumed at 5 p.m.

36. The CHAIRPERSON invited Mrs. Sardenberg to present the Committee's preliminary conclusions concerning the consideration of the initial report of Iceland (CRC/C.11/Add.6).

37. Mrs. SARDENBERG emphasized the positive aspect of the constructive dialogue initiated between the Committee and the Icelandic delegation, the structured nature of the report and the fact that the written replies to the list of issues (CRC/C/11/WP.8) had been submitted to the Committee in time. The Committee was also gratified that the Icelandic delegation was made up of experts with a deep understanding of the actual situation in the country.

38. Among the positive elements that reflected the commitment and political will of the Icelandic authorities to implement the Convention she cited the amendment of the Constitution, as a result of which a reference to human rights and to the protection of children had been included in the Constitution; the ratification of international instruments of paramount importance in the sphere of protection of the rights of the child; the establishment of a post of Ombudsman; the establishment of a government agency for child protection; the decision to consider strengthening links between the authorities and NGOs; the efforts made to set up a scheme to provide training in the rights of the child and in human rights for the appropriate officials; the efforts made to publicize the Convention; the initiative to coordinate issues relating to immigrants by establishing a special department; the fact that the Icelandic Government intended to accede to ILO Convention No. 138; recent trends in the refugee sphere; the new legislation on non-discrimination; the multidisciplinary approach to practical issues linked to children; and the plan to submit to Parliament a bill designed specifically to settle the problem of stateless children.

39. By way of preliminary recommendations, the Committee called upon the Government of Iceland to consider withdrawing the reservation made in respect of articles 9 (1) and 37 (c) of the Convention on the Rights of the Child. The Committee also recommended that the Icelandic authorities should endeavour to foster a deeper understanding of the spirit of the Convention and to incorporate the rights of the child into the more traditional approach based on protection and care. That could be achieved, in particular, by means of information campaigns designed to develop awareness within society and to bring about a change in attitudes, bearing in mind the general principles of the Convention. A global policy on children should also be formulated and machinery established for coordination between the central and local authorities. Furthermore, in view of Iceland's relatively privileged circumstances, the Committee recommended that the Icelandic authorities should share their experience and resources with other less fortunate countries, both multilaterally and bilaterally. In addition, a global and systematic approach should be adopted to training in human rights and the rights of the child for Icelandic civil servants.

40. The Committee welcomed the legislative reform currently under way with regard to the definition of the child and encouraged the Icelandic authorities to continue along that path, in conformity with the provisions of the Convention. Means of restoring a degree of balance between professional commitments and parental responsibilities within families should also be examined. Regarding the current two-stage procedure for decisions concerning the separation of children and their parents, the Committee suggested that the Icelandic authorities should consider the possibility of authorizing the courts to take the initial decision on important matters that were likely to have consequences on a child's life, after having received recommendations from the appropriate administrative authorities; the Committee also recommended that the Icelandic authorities should consider the possibility of incorporating the prohibition on any form of discrimination in employment into the bill on racial discrimination. It would also be worthwhile considering means of enabling children aged under 16 to receive medical treatment without the consent of their parents if that was in the best interests of the child. Finally, the Committee recommended that the Icelandic authorities should

consider the possibility of organizing comprehensive training for parents, of doing their utmost to ensure observance of the principle of equal pay for equal work and of further developing alternative care for children deprived of their natural family.

41. Mr. KOLOSOV said that it would be desirable for the Icelandic delegation on its return to Iceland, to organize a television programme to inform Icelandic society of the Committee's existence, of the fact that Iceland had submitted a report to it and of the debate that had taken place within the Committee.

42. Mr. GUNNARSSON (Iceland) welcomed the highly constructive debate between the Committee and the Icelandic delegation, which would return to Iceland even more determined to implement the principles of the Convention and to apply the innovative ideas formulated by the Committee. Although it was inevitable for the consideration of a State party's report to focus more on identifying shortcomings, it should be emphasized that all in all Iceland was a country in which children led pleasant lives.

The meeting rose at 5.20 p.m.